



State Capitol | Lansing, Michigan 48913
PH (517) 373.7946 | FAX (517) 373.2678
www.senate.michigan.gov/gop/senator/stamas/

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Contact: Chad Wing
(517) 373-7946

Sen. Stamas' resolution to protect private property owners to be before voters on 2006 ballot

LANSING – The rights of Michigan's private property owners will be before voters on the ballot in 2006 thanks to a constitutional amendment approved by the Legislature Tuesday, said state Sen. Tony Stamas, R-Midland.

Following a U.S. Supreme Court decision in the Kelo v. City of New London case, which allows the seizure of private property for private economic development projects, Stamas had a constitutional amendment drafted, dubbed "MI Home," to help protect the rights of Michigan's private property owners.

Senate Joint Resolution E, sponsored by Stamas, is designed to strengthen Michigan's constitution by defining public use.

"Eminent domain affects private property owners and those same property owners should have a right to vote and help define what their rights are," Stamas said. "It's only fair that the people affected have a say."

The 5-4 U.S. Supreme Court decision upheld a Connecticut city's taking of private homes to be demolished and transferred the land to private developers to make room for an office complex. The court also ruled that states and municipalities have the right to make their own laws providing more protection regarding the seizure of private property.

According to the majority opinion, the decision was made based on cases in which the court previously interpreted "public use" to include urban revitalization and land redistribution in addition to more traditional projects such as bridges and highways.

"Although the Michigan Supreme Court has ruled on behalf of property owners before, we need to make sure it stays that way," Stamas said. "We need this constitutional amendment in place so that the rights of private property owners are clearly spelled out."

SJR E was passed by both chambers with strong bi-partisan support and is slated to be on the ballot for the November 2006 general election.

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Editor's note: Audio comments from Sen. Stamas may be downloaded from the Michigan Senate Republican Majority Multi-Media Link web site at:
<http://www.senate.michigan.gov/gop/audiowire/index.htm>